

REMARKS

In the Office Action mailed on November 20, 2004 by the United States Patent and Trademark Office, the Examiner required a restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-10 and 16-21, drawn to a communication apparatus comprising a base transceiver station having a control channel and a non-terrestrial repeater for projecting a beam containing the control channel on the earth, classified in class 455, subclass 431.
- II. Claims 11-15, drawn to a communication system for influencing relative loading on a plurality of access channels in a single beam, class 455, subclass 453.

In response to the restriction requirement, Applicants hereby elect with traverse to prosecute the claims of Invention I, that is, claims 1-10 and 16-21, for prosecution on the merits.

The Examiner states that inventions I and II are unrelated as these two inventions have different modes of operation. However, Applicants respectfully submit that different modes of operation do not exist between the claims 1-10 and 16-21 and claims 11-15. More specifically, the dependent claims of independent claims 1 and 16 conduct at least substantially similar modes of operation to influence relative loading on access channels. For example, dependent claim 2 of alleged invention I provides that "each control channel is assigned a list of access classes to influence a relative loading between access channels" and independent claim 11 of alleged invention II provides for the "performing access class assignments to each of the plurality of control channels" in "a method of influencing relative loading on a plurality of access channels in the single beam." These and other similarities provide for at least the substantially similar modes of operation between the two alleged

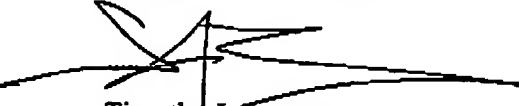
inventions in order to provide load control in a communication system. Accordingly, the Applicants respectfully submit that the restriction requirement is improper and requests withdrawal of this restriction requirement under 35 U.S.C. §121.

The Applicants respectfully submit that this reply is fully responsive to the election requirement mailed on November 30, 2004. However, should the Examiner have any questions or wish to further discuss the above-identified application, Applicants request that the Examiner contact the undersigned at the telephone number associated with customer number 29906.

If for some reason an extension is required to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated 02/03/05



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